A
H.L.P. 22.7.47

File No. 371
1939

P 24
Collection No.

(3)

Pros. / Serial Nos. 1–10

Subject.

Bangalore Payment of Wages Rules 1938
+ Bangalore Payment of Wages (Amendment) Rules 1938

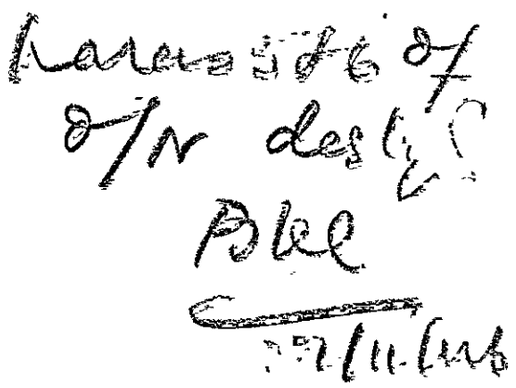
Previous References.

R.D. 172/38. W
919/39 W

Later References.

A
27/11/46

MFP—1663 S&P—(M-2971)—24-6-38—100,000.



NOTES AND PRECIS.

1

Is similar action in such cases taken in C. & M. Station?

(Sd) H.Trevelyan

4/6/39

2

These papers are sent to R.O. for necessary action.

6.6.39

6/6

3

× c.p.12-20 (U). Removed

VI (L)

(H)

* S.N.3/C.O.F.R.Dis. 22-1938.
S.N.3/C.O.F.R.Dis. 85-1939.

(V)

* with a spare copy.

× R.O.File

Please see S.N.6 of R.Dis.F.172-38, which contains the Bangalore Civil and Military Station Payment of Wages Rules, 1938. These rules were based on the Madras Payment of Wages Rules, 1937--vide para 1 of notes in R.O. F.919-37. The amendments* to Madras Rules ~~were not~~ are not being received in this Office, and no action has therefore been taken to amend the C & M Station Rules. If approved C.O. may be asked to give a copy* of the amendments* so far received by them for considering the question of amending the Station Rules. They may also send a copy* of all future amendments as and when received by them.

Submitted for orders.

12.6.39.

(4) Yes; please

(from para 11)

13/6/39.

Secretary.

12.6.39

Dy.No.7958. S.N.(5).

c.p.1 - 6 (K).

Please see S.N.1 to 3.

The District Magistrate does not consider it necessary to amend rules 17(2) and (3) on the lines of the Madras amendment in Proceedings No. 2834, dated the 22nd December 1937, since no cases of advances granted before the commencement of the Act have been brought to the notice of the Inspector of Factories. We may agree to this.

S.N.1/c.p.2 (K).

The amendments proposed in the draft notification sent by D.M. follow the amendments in Madras Government Proceedings No.492, dated the 27th February 1939. They may be accepted.

S.N.2/c.p.4 & 5 (K).

Certain verbal alterations are suggested in the preamble as indicated in pencil in D.M's draft. They are based on recent models used by this Residency. Please see section 26(5) of the Payment of Wages Act and clause (3) of section 23 of the General Clauses Act, which require that the notice published with the draft should specify a date on or after which the draft will be taken into consideration. November 20th has therefore been given, as it is hoped that the draft amendments will be published in the 15th August issue of the Residency Orders and will satisfy the condition of the statutory period of three months.

A clean draft is submitted for approval.

10.8.39.

11/8/39.

Secretary.

10.8.39

S.N.(6): Issue.

Dy.No.10670. S.No.(7).

10

The amendments are in the draft form and published for criticism. After they are finally passed, they may be communicated to the District Magistrate, C & M Station, for considering the amendment of the Station Rules. PUC may be filed.

19.10.39.

24.10

ASRao
23.x.35

Dy.No.12,157. S.No.(8).

K.

Please see S.N.6/c.p.11-13.

The drafts rules were based on similar rules passed in Madras. Section 26(3)(b) of the Payment of Wages Act, 1936 (IV of 1936), provides that rules may be made requiring the display in a conspicuous place on the premises where employment is carried on of notices specifying rates of wages payable to persons employed on such premises. In order to give effect to this provision a rule was proposed that in every factory the paymaster shall display at or near the main entrance of the factory a notice specifying the rates of wages payable to different classes of workers employed therein. This is a very wholesome measure under which the employer cannot change the rates of wages from one employee to another or reduce the wages when the rates are specified.

12
Encl. to SW 8/c.19
1.12

The objections raised by the Tobacco Manufacturers (India) Ltd. are that the work in the factory necessitates employment of labour both on a flat rate and also piece work and in each department there are several designations and the nature of the work is compared when fixing the rates; and that numerous changes are expected under the present circumstances both in the nature of work and the rates of wages. All that the new rule 6-A requires is that a notice should be kept specifying the existing rates payable to different classes of workers now employed, and under the proviso to rule 18-A to communicate changes made in the notice from time to time within a fortnight's time. The exact difficulty anticipated by the Tobacco Manufacturers in complying with these provisions is not clear. The rules proposed do not in any way restrict their powers to change either the nature of work or rates of wages. As pointed out by the District Magistrate the objections do not appear to be sound. There is no exemption provision either in the Act or the Rules. If approved the rules may finally be issued

The District Magistrate suggests that sufficient time should be given if the the amendments are brought into force from the 1st January 1940 with ~~Presumably he~~ reference to rule 18-A. The rules can be published on the 15th December, if not earlier, and one month's time seems sufficient in view of the facts that there are not many factories in the Station, and that only a few employ hundred or more persons.

Draft submitted for approval.

(After issue a copy will be sent to Khan Sahib Md. Aslam, in continuation of S.N.8/c.p.22 of R.Dis.172-38)

6/12/38.

6

16 Rules can be amended now, & Collector can be asked to see that they are administered in such a way as not to be burdensome to the management of the Tobacco Factory. He might give an assurance to the manager to that effect

5/12/39

Resident

9/12

Draft II. 15 Draft to Collector is submitted for approval.

8.12.39

9/12/39.

Secretary.

SRO. (9/12): Issue.

Record.

CORRESPONDENCE.

Copy of SW. 3 / F. 4 of C.O. F. R. Dis. 22.38) (H)

GOVERNMENT OF MADRAS

Development Department.

G.O. No.2834, 22nd December 1937

Payment of Wages Act - Rules framed under the Act - Amendment to rule 17 - Published.

Read - the following papers:-

G.O.No.425, Development, dated 20th February 1937.

From the Commissioner of Labour, dated 9th December 1937, No.B.-732/37.

Order - No.2834, Development, dated 22nd December 1937.

The Superintendent, Government Press, is requested to publish the appended notification in English and in the vernaculars in the Fort St. George Gazette. He is requested to supply the Senior Translator to Government with six copies of the notification.

OFFICE OF THE
HON'BLE THE RESIDENT
IN MYSORE, BANGALORE.
19 JUN. 1939
Diary No. 6206
File No.

(By order of His Excellency the Governor)

C. J. Paul,
Secretary to Government.

Copy to the Secretary to the Chief Commissioner of Coorg, Bangalore (with C.L.)

APPENDIX

Notification.

In exercise of the powers conferred by sub-section (3) of section 26 of the Payment of Wages Act, 1936 (IV of 1936), the Government of Madras are hereby pleased to make the following amendment to the Madras Payment of Wages Rules, 1937, published with Development Department Notification No.133, dated the 20th February 1937, at pages 356-359 of the Fort St. George Gazette, dated the 23rd February 1937, the same having been previously

P.T.O.

published as required by sub-section (5) of section 26 of the said Act:-

Amendment.

For sub-rules (2) and (3) of rule 17 of the said rules, the following shall be substituted, namely:-

"(2) Any advance may be recovered in instalments by deductions from wages, spread over not more than twelve months:

Provided that this sub-rule shall not apply to the case of an advance made before the commencement of the Act and particulars relating to which are communicated before the 31st March 1938 to the Inspector of Factories having jurisdiction over the factory

(3) No instalment by which an advance is repaid shall exceed one-third, or where the wages for any wage period are not more than twenty rupees, one-fourth of the wages for any wage period in respect of which the deduction is made.

(4) The amounts of all advances, whether made before the commencement of this Act or sanctioned after such commencement, and all repayments of such advances, shall be entered in a register in Form III."

DF 7.6.'39

(Copy of SW. 3 / A 10-11 of C.O.F.R Dis. 85-39) (V)

GOVERNMENT OF MADRAS.

Development Department.

SW-2

G.O. No.492, 27th February 1939

Payment of Wages Act, 1936 - Rules - Draft amendments confirmed.

Read - the following papers -

G.O. No.2063, Development, dated 24th August 1938.

From the Commissioner of Labour, dated 10th December 1938, B.No.1280/38.

Order - No.492, Development, dated 27th February 1939.

In Development Department Notification No.689, dated the 24th August 1938, published at page 1282 of Part I of the Fort St. George Gazette, dated the 6th September 1938, the Government of Madras under sub-sections (3) and (4) of section 26 of the Payment of Wages Act, 1936 (IV of 1936), published as required by sub-section (5) of the said section, certain amendments to the rules issued under the Act. The Government have considered the objections and suggestions received with reference to the notification and are pleased to confirm the draft amendments subject to certain modifications.

2. The Superintendent, Government Press, is requested to publish the appended notification in English and in the languages of the Province in the Fort St. George Gazette. He is also requested to supply the Senior Translator to Government with six copies of the notification.

(By order of His Excellency the Governor)

C. J. Paul,

Secretary to Government.

OFFICE OF THE
HON'BLE THE RESIDENT
IN MYSORE, BANGALORE.
15 JUN 1939
Diary No. 6207
File No.

Copy to the Secretary to the Chief Commissioner of Coorg, Bangalore (with C.L.).

(4)

APPENDIX.

Notification.

In exercise of the powers conferred by sub-sections (3) and (4) of section 26 of the Payment of Wages Act, 1936 (IV of 1936), His Excellency the Governor of Madras is hereby pleased to make the following amendments to the Madras Payment of Wages Rules, 1937, published with Development Department Notification No.133, dated the 20th February 1937, at pages 356-359 of Part I of the Fort St. George Gazette, dated the 23rd February 1937, as subsequently amended, the same having been previously published as required by sub-section (5) of the said section.

Amendments.

I

After rule 6 of the said rules, the following heading and rule shall be inserted, namely:-

"Section 26(3)(b).

6-A. In every factory the paymaster shall display at or near the main entrance of the factory notices in Form VI specifying the rates of wages payable to different classes of workers employed therein. The notices shall be in English and in the language of the majority of the persons employed in the factory.

Provided that in the case of factories wherein one hundred or more persons are employed notices in Form VI shall be displayed separately for each section in the departments concerned instead of at or near the main entrance of the factory."

II

After rule 18 of the said rules, the following rule shall be inserted, namely:-

"18-A. Copies of notices referred to in rule 6-A shall be sent in duplicate by the paymaster to the Chief Inspector of Factories every year not later than the 15th January:

Provided that any alteration in the notices that may be made in the course of the year shall be communicated to the Chief Inspector not later than a fortnight from the date on which the alteration was made."

III

In rule 23 of the said rules --

(1) after the figure "6" the figure and letter "6-A" shall be inserted; and

(2) for the word and figures "and 18", the figures, word and letter "18 and 18-A" shall be substituted.

IV

After Form V appended to the said rules, the following form shall be added, namely:-

"Form VI.

(See rule 6-A.)

Serial number.	Class of worker.	Maximum and minimum rates of wages."
(1)	(2)	(3)

17.6.39

16

SW.3

Issued 27/6/39 Hs.

The Office of the Hon'ble the Resident
in Mysore,

Bangalore, the 27th June 1939.

R.P.G. No. 371-39. Gen(2).

A copy of the undermentioned papers is forwarded to the District Magistrate, Civil and Military Station, Bangalore.

2. If similar amendments to the Bangalore Civil and Military Station Payment of Wages Rules, 1938, are considered necessary, a draft Notification amending the Station Rules may be forwarded for the consideration of the Hon'ble the Resident.

* SW.6
Cf. 12-39
C.F. 172-38
(U)

By Order, etc.,

for Secretary to the Resident.

---

1. Proceedings of the Government of Madras, Development Department, No.2834, dated the 22nd December 1937.
2. Proceedings of the Government of Madras, Development Department, No.492, dated the 27th February 1939.

21.6.39.

22.6.39

R.Dis.No. 2697-B-39 Enc:2/

Office of the District Magistrate,
Civil and Military Station, Bangalore.

Dated 31st July 1939.

OFFICE OF THE
HON'BLE THE RESIDENT
IN MYSORE, BANGALORE.
2 AUG. 1939
Diary No. 7958
File No. P.A. 371/39.

FROM H.H. Carleston, Esq., I.C.S.,

DISTRICT MAGISTRATE, CIVIL AND MILITARY STATION,
BANGALORE.

To

The Secretary to the Hon'ble the Resident in Mysore,
Bangalore.

SIR,

The Bangalore Payment of Wages Rules, 1938 - amendments to - Your endorsement R.Dis.No. 371-39 dated the 27th June 1939.

- - -

I forward herewith a draft notification with reference to para 2 of your letter quoted above.

I consider that no amendment of rule 17(2) and (3) is necessary since no cases of advances granted before the commencement of the Act have been brought to the Inspector's notice.

I have the honour to be,
Sir,
Your most obedient sergant,

H.H. Carleston

DISTRICT MAGISTRATE.

1- AUG. 1939.

Signed 18/8/39 Hs..

THE HON'BLE THE RESIDENT IN MYSORE.

NOTIFICATION.

No. 81, dated Bangalore, the 11th August 1939. Encl.

The following draft of certain amendments to the Bangalore Civil and Military Station Payment of Wages Rules, 1938, which the Hon'ble the Resident proposes to make in exercise of the powers conferred by sub-sections (3) and (4) of section 26 of the Payment of Wages Act, 1936 (IV of 1936), as applied to the Civil and Military Station of Bangalore, is published as required by sub-section (5) of section 26 of the said Act for the information of all persons likely to be affected thereby, and notice is hereby given that the draft will be taken into consideration on or after the 20th November 1939.

Any objection or suggestion which may be received in respect of the draft before the date specified will be considered by the Hon'ble the Resident.

Draft amendments.

1. After rule 6 of the said Rules the following heading and rule shall be inserted, namely :—

"SECTION 26 (3) (b).

6-A. In every factory the paymaster shall display at or near the main entrance of the factory notices in Form VI specifying the rates of wages payable to different classes of workers employed therein. The notices shall be in English and in the language of the majority of the persons employed in the factory:

Provided that in the case of factories wherein one hundred or more persons are employed notices in Form VI shall be displayed separately for each section in the departments concerned instead of at or near the main entrance of the Factory."

2. After rule 18 of the said Rules the following rule shall be inserted, namely :—

"18-A. Copies of notices referred to in rule 6-A shall be sent in duplicate by the paymaster to the Inspector of Factories every year not later than the 15th January:

Provided that any alteration in the notices that may be made in the course of the year shall be communicated to the Inspector of Factories not later than a fortnight from the date on which the alteration was made."

3. In rule 23 of the said Rules—

(1) after the figure "6" the figure and letter "6-A" shall be inserted; and

(2) for the word and figure "and 18" the figures, word and letter "18 and 18-A" shall be substituted.

4. After Form V appended to the said Rules, the following form shall be added, namely :—

"FORM VI.

(SEE RULE 6-A).

Serial Number.	Class of worker.	Maximum and minimum rates of wages.
(1)	(2)	(3)"

O/C

Secretary to the Resident.

To be published in the Mysore Residency Orders.- (15th August issue).

Copy forwarded for information to the District Magistrate, Civil and Military Station, Bangalore, with reference to his letter R.Dis.No.2697-B-39, dated the 31st July 1939.

(with two spare copies)

BJ

GOVERNMENT OF MADRAS.

Received..... 1939. Registered ..... 1939.

Abstract:-

Payment of Wages Act, 1936 -
Rules - Form IV - Draft amendment - Published.

OFFICE OF THE
HON'BLE THE RESIDENT
IN MYSORE, BANGALORE.
18 OCT 1939
Diary No. 10,670
File No. Pols 37/39

Development Department.
G.O. No. Ms. 910, dated the 5th April 1939.

Read.-

G.O. 425-Dev. dated 20-2-37.
" 2834- " 22-12-37.
From the Commissioner of Labour, C.No.2357/38, dated 10-12-38
From -do- No. C.2357/39, dated 14-3-39.

.....

ORDER -

The Superintendent, Government Press, is requested to publish the appended notification in English and in the languages of the Province in three successive issues of the Fort St. George Gazette, and supply the Senior Translator to Government with six copies of the Notification.

2. The Commissioner of Labour is requested to forward to Government with his remarks any objections or suggestions that he may receive up to the 10th July 1939.

(By order of His Excellency the Governor).

V.N. Viswanatha Rao,
Secretary to Government.

To the Superintendent, Government Press, for publication.
" Commissioner of Labour.
" Senior Translator to Government.
" Board of Revenue.
all Collectors.
" Other Departments of the Secretariat.
Copy to the Government of India, Department of Labour, with c.l.
" Secretary to the Commissioner of Coorg, Bangalore with c.l.

True copy / Forwarded
(By Order)

Sd/- X X X
Superintendent.

Appendix.

Appendix.

Notification:-

The following draft of an amendment to the Madras Payment of Wages Rules, 1937, published with Development Department Notification No.133, dated the 20th February 1937, at pages 356-359 of Part I of the Fort St. George Gazette, dated the 23rd February 1937, as subsequently amended, which it is proposed to make in exercise of the powers conferred by sub-section (3) of section 26 of the Payment of Wages Act, 1936 (IV of 1936) is published as required by sub-section (5) of the said section for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration on or after the 10th July 1939.

Any objection or suggestion which may be received from any person with respect to the draft before the said date will be considered by His Excellency the Governor of Madras. Objections and suggestions should be addressed to the Government of Madras through the Chief Inspector of Factories.

Draft amendment.

For Form IV appended to the said rules, the following Form shall be substituted, namely:-

Form IV
(See Rule 18.)

DEDUCTION FROM WAGES.

Return for the year ending 31st December 193...

1. Name of Factory and Postal Address.....

* 2 Average number of persons employed daily { Adults..... Children.....

3. Total wages paid including deductions under section 7(2) (d) to (j), but not 'other deductions'.....

4. Number of cases and amounts realised as -

	Number of cases.	Amounts.
(a) Fines ...		
(b) Deductions for breach of contract ..		
(c) Deductions for damage or loss ..		

5. Disbursements from fine fund -

Amount	Purpose.

Signature....
Dated..... .. 193.. Designation.....

* Information should only be given for those workers whose wages payable average to less than Rs.200/- a month.

Copy to R.O.

18

No. 4171-B-1939. Enc.1.

Office of the District Magistrate,
Civil and Military Station, Bangalore.

Dated 27th November 1939.

From

H.H. Carleston, Esq., I.C.S.,
District Magistrate, Civil and Military Station,
BANGALORE.

To

The Secretary to the Hon'ble the Resident in Mysore,
Bangalore.

OFFICE OF THE
HON'BLE THE RESIDENT
IN MYSORE, BANGALORE.
1 DEC. 1939
Diary No. 12.157
File No.....

Sir,

The Payment of wages Rules, 1938- amendments to - Resident's Notification No.81, dated the 11th August 1939.

- - -

I forward herewith a copy of the objections received from the Factory Manager, the Tobacco Manufacturers, (India) Bangalore. No other objections have been received.

2 The grounds put forward by the Tobacco Manufacturers are not sound. There is no provision either in the Act or in the Rules to exempt the Company from the operation of the rules.

3. Further Rule 18-A provides for intimation to the Inspector of Factories of any change or alteration in the rates of the wages of the employees as and when they are made.

4. It should give sufficient time if the amendments are brought into force from the 1st January 1940.

I have the honour to be,
Sir,
Your most obedient servant,

H.H. Carleston

DISTRICT MAGISTRATE.

MAB.28/11.

28/11.

Letter No.G/926 dated the 26th October 1939 from the Factory Manager, The Tobacco Manufacturers (India) Ltd., Bangalore, to the Inspector of Factories, Civil and Military Station, Bangalore.

With reference to the Notification No.81 dated the 11th August 1939 which you forwarded to us, we wish to point out that the work in this Factory necessitates employing labour both on a flat rate of pay and also piece work. In one Department alone there are no less than forty designations the nature of each work is compared and the minimum and maximum rates fixed.

Under the present circumstances you will understand that changes have to be made to packing of cigarettes, owing to difficulties in obtaining supplies of materials, and this will probably become worse. Certain alterations in piece-work rates will have to be made, taking into consideration the work that each particular change involves.

In view of this we would ask you to postpone this amendment to the Bangalore Civil and Military Station Payment of Wages Rules, 1938, or allow us exemption until such time as these numerous changes are not likely to occur.

"C O P Y"

SHERISTADAR.

THE HON'BLE THE RESIDENT IN MYSORE.

NOTIFICATION.

No. 172.. Dated. 14th December 1939.

In exercise of the powers conferred by sub-sections (3) and (4) of section 26 of the Payment of Wages Act, 1936 (IV of 1936), as applied to the Civil and Military Station of Bangalore, the Hon'ble the Resident in Mysore ~~Station of Bangalore~~ is pleased to make the following amendments to the Bangalore Civil and Military Station Payment of Wages Rules, 1938, the same having been previously published as required by sub-section(5) of section 26 of the said Act.

Amendments

1. After rule 6 of the said Rules the following heading and rule shall be inserted, namely :—

"SECTION 26 (3) (b).

6-A. In every factory the paymaster shall display at or near the main entrance of the factory notices in Form VI specifying the rates of wages payable to different classes of workers employed therein. The notices shall be in English and in the language of the majority of the persons employed in the factory:

Provided that in the case of factories wherein one hundred or more persons are employed notices in Form VI shall be displayed separately for each section in the departments concerned instead of at or near the main entrance of the Factory."

2. After rule 18 of the said Rules the following rule shall be inserted, namely :—

"18-A. Copies of notices referred to in rule 6-A shall be sent in duplicate by the paymaster to the Inspector of Factories every year not later than the 15th January:

Provided that any alteration in the notices that may be made in the course of the year shall be communicated to the Inspector of Factories not later than a fortnight from the date on which the alteration was made."

3. In rule 23 of the said Rules—

(1) after the figure "6" the figure and letter "6-A" shall be inserted; and

(2) for the word and figure "and 18" the figures, word and letter "13 and 18-A" shall be substituted.

4. After Form V appended to the said Rules, the following form shall be added, namely :—

"FORM VI.

(SEE RULE 6-A).

Serial Number.	Class of worker.	Maximum and minimum rates of wages.
(1)	(2)	(3)"

~~XXXXXXXXXX~~
~~Secretary to the Resident.~~

Secretary to the Resident.

To be published in the Mysore Residency Orders (100 s.cs.tobe supplied)

556 (2)—16-8-1939—10+2—RPB.

Copy to:

the District Magistrate, C & M Station, Bangalore ~~with reference to his letter No.4171-B-1939 dated the 27th November 1939~~ (with 49 s.cs.) (with Covering letter).

the President, Municipal Commission, C & M Stn., Bangalore, in continuation of endorsement from this Resy. R.Dis.No.F.172-38/R.O.I, dated 24-2-1938 (with 2 s.cs.

4

SNL0

Form C
9/12/39
Issued.
20/12/39

DEPARTMENT.

BRANCH.

File No.

Serial No.

Draft Letter / Memorandum / Telegram

R.Dis.No.F.371-39 Judl.

Class for telegrams

INLAND:	FOREIGN:
Immediate	Immediate
Important	Important
Express	Ordinary
Ordinary	Without priority

No. Dated 20th Dec. 1939.

From The Secretary to the Resident

To

The Collector & District Magistrate, C & M Station, Bangalore.

To be issued on

Issued on

1st Reminder

2nd Reminder

3rd Reminder

Heading:

Case or Diary No.

If post copy of telegram required

Date of despatch of above

List of enclosures

(Code word for telegrams.)

S.N.8/puc.

Draft I.

Amendments to the Bangalore Civil and Military Station Payment of Wages Rules,1938.

Sir,

I am directed to refer to your letter No.4171-B-1939, dtd. the 27th November 1939.

2. I enclose a copy of Notification by the Hon'ble the Resident No.[illegible] dated the December 1939. The Resident directs that the rules as now amended may be administered in such a way as not to be burdensome to the management of the Tobacco Manufacturers (India) Ltd., Bangalore. You might give an assurance to the Factory Manager to that effect.

I have etc.,

(Sd) D. H. Bircot,

for Secretary to the Resident.

S. 5.
MGIPC—S5—1505(S&P)MFP—(M-944)—6-3-39—60,000 Pads

S.C.
8.12.39.